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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/761,742	01/08/2001	Makoto Kayashima	566.39530X00	6168

24956 7590 11/17/2005

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EXAMINER

ZIA, SYED

ART UNIT PAPER NUMBER

2131

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/761,742	<b>Applicant(s)</b> KAYASHIMA ET AL.	
	<b>Examiner</b> Syed Zia	<b>Art Unit</b> 2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 August 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 13, 2004 has been entered.

### ***Response to Amendment***

This office action is in response to arguments filed on August 29, 2005. Original application contained Claims 1-13. Applicant previously cancelled Claim 8-13. Applicant currently amended Claims 1-7. The amendment filed on August 29, 2005 have been entered and made of record. Presently pending claims are 1-7.

### ***Response to Arguments***

Applicant's arguments filed on August 29, 2005 have been fully considered but they are not persuasive because of the following reasons:

Regarding Claims 1-7 applicants argued that the cited prior art (CPA) [Wiegel (U. S. Patent 6,484,261)] at least does not teach, " *obtaining of status information from the managed*

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*system, the comparison of the status information of the managed system to pre-stored status information, and modifying the security information based upon the result of the comparison”.*

This is not found persuasive. As discussed in previous office action that cited prior art teaches a method of computer network device control that involves using set of instructions to cause network devices to selectively pass or reject messages according to defined network security policy A set of instructions that is generated based on a symbolic representation of a network security policy, comprises the steps of generating a source script that defines the policy. The set of instructions causes the network device to selectively pass or reject the messages according to the policy. The source script is displayed in a window of the user interface. This system allows the administrators of large, multi-firewall, multi-location organizations to develop, apply and maintain security policies that consistently to protect the organization's informational resources (col.7 line 12 to col.8 line 26, and col.8 line 66 to col.10 line 41, and col.14 line 62 to col.16 line 34).

As a result, the system of cited prior art provides a method for supporting control and management of a security state of an information processing system to a network. Therefore, cited prior art teaches a method for computer network security policy establishment for associating network security policy with computer network device

Applicants still have failed to explicitly identify specific claim limitations, which would define a patentable distinction over prior arts.

The examiner is not trying to teach the invention but is merely trying to interpret the claim language in its broadest and reasonable meaning. The examiner will not interpret to read narrowly the claim language to read exactly from the specification, but will interpret the claim

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language in the broadest reasonable interpretation in view of the specification. Therefore, the examiner asserts that cited prior art does teach or suggest the subject matter broadly recited in independent Claims 1-7. Accordingly, rejections for claims 1-7 are respectfully maintained.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Wiegel (U. S. Patent 6,484,261).

2. Regarding Claim 1 Wiegel teaches and describes a security management system for controlling a security status of each of a plurality of managed systems constituting an information system in accordance with an information security policy representing a policy of a security measure (Fig.1-4), comprising:

a plurality of management sections corresponding to at least one managed system and the information security policy, each management section being for controlling the security status of the managed system corresponding thereto so as to adjust the security status to the information security policy corresponding thereto (col.7 line 12 to col.8 line 26);

a database registering a correspondence of the information security policy, the managed system and each management section (col.14 line 4 to line 61);

a security content reception section for receiving a selection of a range of the information security policy and the managed system from a user, and an extraction section for extracting from said database the management section registered so as to correspond to the information security policy and the managed system included in the range in which said security content reception section has received the selection (col.8 line 66 to col.10 line 41); and

a management control section for obtaining from the managed system status information representing the security status of the managed system, comparing the status information obtained from the managed system to the management section extracted by said extraction section and changing the security status of the managed system corresponding to the management section based on the result of the comparison (col.14 line 62 to col.16 line 34).

3. Regarding Claim 2 Wiegel teaches and describes security a management system for auditing a security status of each of a plurality of managed systems constituting an information system, the security status concerning an information security policy representing a policy of a security measure (Fig.1-4), comprising:

a plurality of audit sections corresponding to at least one managed system and at least one information security policy, each audit section being for auditing the security status concerning the corresponding information security policy of the corresponding managed system (col.7 line 12 to col.8 line 26);

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a database registering a correspondence of the information security policy, the managed system and the audit section (col.14 line 4 to line 61);

a security content reception section for receiving a selection of a range of the information security policy and the managed system from the user, and an extraction section for extracting from said database the audit section registered so as to correspond to the information security policy and the managed system included in the range in which said security content reception section has received the selection (col.8 line 66 to col.10 line 41, and col.14 line 62 to col.16 line 34); and

an audit control section for obtaining from the managed system status information representing the security status of the managed system, comparing the status information obtained from the managed system to the audit section extracted by said extraction section and changing the security status of the managed system corresponding to the audit section based on the result of the comparison (col.12 line 61 to col.13 line 67).

4. Regarding Claim 3 Wiegel teaches and describes a security management system for controlling a security status of each of a plurality of managed systems constituting an information system in 4 accordance with an information security policy representing a policy of a security measure (Fig.1-4), comprising:

a plurality of management sections corresponding to at least one managed system and at least one information security policy, each management section being for controlling the security status of the corresponding managed system so as to adjust the security state to the corresponding information security policy, and a plurality of audit sections corresponding to at

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least one managed system and at least one information security policy, each audit section being for auditing the security status concerning the corresponding information security policy of the corresponding managed system (col.7 line 12 to col.8 line 26);

a database registering a correspondence of the information security policy, the managed system, the management section and the audit section (col.14 line 4 to line 61);

a security content reception section for receiving a selection of a range of the information security policy and the managed system from a user, and an extraction section for extracting from said database the management section and the audit section, which are registered so as to correspond to the information security policy and the managed system included in the range in which said security content reception section has received the selection (col.8 line 66 to col.10 line 41);

-a management control section for obtaining from the managed system status information representing the security status of the managed system, comparing the status information obtained from the managed system to the management section extracted by said extraction section and changing the security status of the managed system corresponding to the management section based on the result of the comparison (col.14 line 62 to col.16 line 34); and

an audit control section for allowing the audit section extracted by said extraction section to audit the security status concerning the information security policy of the managed system corresponding to said audit section (col.12 line 61 to col.13 line 67).

5. Regarding Claim 4 Wiegel teaches and describes a security management method for controlling a security status of each of a plurality of managed systems constituting an

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information system with an electronic computer in accordance with an information security policy representing a policy of a security measure (Fig.1-4), comprising the steps of:

receiving a selection of a range of the information security policy and the managed system from a user, and extracting a management program corresponding to an information security policy and a managed system, included in the range in which the selection has been received, among a plurality of management programs describing a processing for controlling the security status of the corresponding managed system so as to adjust the security status to the corresponding information security policy, the plurality of management programs corresponding to at least one information security policy and at least one managed system, which are previously stored (col.7 line 12 to col.8 line 26, and col.8 line 66 to col.10 line 41, and col.14 line 62 to col.16 line 34); and

obtaining from the managed system status information representing the security status of the managed system, comparing the status information obtained from the managed system to status information as represented by the information policy of the managed system, changing the security status of the managed system corresponding to the management program by modifying the management program based on a result of the comparison, and allowing the electronic computer to execute the modified management program (col.14 line 62 to col.16 line 34, and col.12 line 61 to col.13 line 67).

6. Regarding Claim 5 Wiegel teaches and describes a security management method for auditing, with an electronic computer, a security status of each of a plurality of managed systems

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constituting an information system, the security status concerning an information security policy representing a policy of a security measure (Fig.1-4), comprising the steps of:

receiving a range of a selection of the information security policy and the managed system from a user, and extracting an audit program registered so as to correspond to the information security policy and the managed system, which are included in the range in which the selection has been received, among a plurality of audit programs describing a processing for auditing the security status concerning the corresponding information security policy of the corresponding managed system, the plurality of audit programs corresponding to at least one information security policy and at least one managed system, which are previously stored (col.7 line 12 to col.8 line 26, and col.8 line 66 to col.10 line 41, and col.14 line 62 to col.16 line 34); and

obtaining from the managed system status information representing the security status of the managed system, comparing the status information obtained from the managed system to status information as represented by information security policy of the managed system, changing the security status of the managed system corresponding to the audit program by modifying program, and allowing the electronic computer to execute the modified audit program (col.14 line 62 to col.16 line 34, and col.12 line 61 to col.13 line 67).

7. Regarding Claim 6 Wiegel teaches and describes storage medium storing a program for controlling a security status of each of a plurality of managed systems constituting an information system in accordance with an information security policy representing a policy of a security measure, wherein said program is read out and executed by an electronic computer, to construct, on said electronic computer, a security content reception section for receiving a

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selection of a range of the information security policy and the managed system from a user (Fig.1-4, and col.10 line 44 to col.12line 2);

an extraction section for extracting a management program corresponding to an information security policy and a managed system, which are included in the range in which said security content reception section has received the selection, from a database storing a plurality of management programs describing a processing for controlling the security status of the corresponding managed system so as to adjust the security status of the managed system to the corresponding information security policy, the plurality of management programs corresponding at least one managed system and at least one information security policy (col.7 line 12 to col.8 line 26, and col.8 line 66 to col.10 line 41, and col.14 line 62 to col.16 line 34); and

a management control section for obtaining from the managed system status information representing the security status of the managed system, comparing the status information obtained from the managed system to status information as represented by information security policy of the managed system, changing the security status of the managed system corresponding to the extracted management program by modifying program, and allowing the electronic computer to execute the modified management program (col.14 line 62 to col.16 line 34, and col.12 line 61 to col.13 line 67).

8. Regarding Claim 7 Wiegel teaches and describes a storage medium storing a program for auditing a security status concerning an information security policy representing a policy of a security measure of a plurality of managed systems constituting an information system (Fig.1-4, col.10 line 44 to col.12line 2), wherein

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said program is read out and executed by an electronic computer, to construct, on said electronic computer, a security content reception section for receiving a selection of a range of the information security policy and the managed system from a user; an extraction section for extracting an audit program registered so as to correspond to an information security policy and a managed system, which are included in the range in which said security content reception section has received the selection, from a database storing a plurality of audit programs describing a

processing for auditing the security status concerning the corresponding information security policy of the corresponding managed system, the plurality of audit programs corresponding to at least one managed system and at least one information security policy (col.7 line 12 to col.8 line 26, col.8 line 66 to col.10 line 41, and col.14 line 62 to col.16 line 34); and

an audit control section for obtaining from the managed system status information representing the security status of the managed system, comparing the status information obtained from the managed system to the status information as represented by information security policy of the managed system, changing the security status of the managed system corresponding to the audit program by modifying the audit program, and allowing the electronic computer to execute the modified audit program (col.14 line 62 to col.16 line 34, and col.12 line 61 to col.13 line 67).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Zia whose telephone number is 703-305-3881. The examiner can normally be reached on Monday - Friday 9:00 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
SZ

November 12, 2005